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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,279	02/24/2004	Mark Banister	MEDIPACS 04.02	2485
27667	7590	02/16/2006	EXAMINER	
HAYES, SOLOWAY P.C. 3450 E. SUNRISE DRIVE, SUITE 140 TUCSON, AZ 85718			DIAMOND, ALAN D	
			ART UNIT	PAPER NUMBER
			1753	
DATE MAILED: 02/16/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/786,279

Applicant(s)

BANISTER, MARK

Examiner

Alan Diamond

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>09282004, 03212005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "14" has been used to designate both frequency identification tape (page 5, line 8 of the specification) and circuitry (page 6, line 4 of the specification). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: reference signs 7 and 9 in Figure 1; reference sign 6 in Figure 2; and reference sign 10 in each of Figures 1 to 4. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version

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of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The substitute (replacement) specification filed 07/13/2004 has been approved by the Examiner and entered into the instant application.
4. The disclosure is objected to because of the following informalities: On page 5, at line 9, the term "Electroluminescent tape(14)" should be changed to "Electroluminescent tape, i.e., illumination (14)" so as to be consistent with reference sign 14 being labeled as "illumination" in Figures 2 and 4. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claims 8, 9, 14, 15, and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 8, at line 3, the multiple use of the "and/or" term renders the claim confusing. It is suggested that "activation and/or" at line 3 be changed to "activation,". The same applies to dependent claim 9.

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In claim 9, at line 3, the term "the controller" should be changed to "the one or more controllers" so as to be consistent with claim 8.

At line 1 in each of claims 14 and 15, the word "said" should be changed to "the" since the terms "electrical component layers" and "non-electrical component layers" are not literally recited in parent claim 1.

Regarding claim 21, the phrase "preferably ..." at line 3 renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3, 11, 13, 15, 18-21, 27, 28, and 31-33 are rejected under 35

U.S.C. 102(b) as being Murasko et al, U.S. Patent Application Publication

2002/0159245. None of the instant claims is fully supported by provisional application

60/448,888. Accordingly, the instant claims have a filing date of 02/24/2004. Murasko et al has a 102(b) date of 10/31/2002.

Murasko et al teaches a laminated electrical device comprising stacked layers including a substrate 202 that can be glass or plastic, i.e., rigid or flexible; a photocell 208 (i.e., a photovoltaic); a device 204, such as a thin film battery, for storing electricity

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produced by the photocell 208; a source of illumination 206; electrical circuitry 214 for connecting the components; and, as a protective surface, a light transmissive, electrically insulating material (see paragraphs 0023 to 0025). It is the Examiner's position that the electrical circuitry in Murasko et al's device inherently prevents electric current drain through the photocell. Since Murasko et al teaches the limitations of the instant claims, the reference is deemed to be anticipatory.

9. Claims 1, 2, 12, 15, 18-21, 23, 27, 28, and 31-33 are rejected under 35 U.S.C. 102(a) as being anticipated by JP 2003-257223, herein referred to as JP '223. None of the instant claims is fully supported by provisional application 60/448,888. Accordingly, the instant claims have a filing date of 02/24/2004. JP '223 has a 102(a) date of 09/12/2003.

JP '223 teaches a laminated electrical device comprising stacked layers including a substrate 13; a solar cell module 30; electric double layer capacitor 20; light emitting diode 10; electrical circuitry 214 for connecting the components (Figure 3); and a protective surface 32 (see Figures 1-3). It is the Examiner's position that the electrical circuitry in JP '223's device inherently prevents electric current drain through the solar cell module. Since JP '223 teaches the limitations of the instant claims, the reference is deemed to be anticipatory.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1-11 and 13-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murasko et al, U.S. Patent Application Publication 2002/0159245.

Murasko et al teaches a laminated electrical device comprising stacked layers including a substrate 202 that can be glass or plastic, i.e., rigid or flexible; a photocell 208 (i.e., a photovoltaic); a device 204, such as a thin film battery, for storing electricity produced by the photocell 208; a source of illumination 206; electrical circuitry 214 for connecting the components; and, as a protective surface, a light transmissive, electrically insulating material (see paragraphs 0023 to 0025). It is the Examiner's position that the electrical circuitry in Murasko et al's device inherently prevents electric current drain through the photocell. Murasko et al teaches the limitations of the instant claims other than the difference which is discussed below.

Murasko et al does not specifically teach such features as an adhesive and removable covering, or a thermally conductive layer. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided Murasko et al's device with such features so as to enable Murasko et al's device to be stuck to a surface and to prevent build-up of heat. As is known in the art, at high temperatures, a solar cell becomes less efficient. Accordingly, there is sufficient motivation to prevent buildup of heat.

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12. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murasko et al as applied to claims 1-11 and 13-33 above, and further in view of Green et al (U.S. Patent 5,782,552) and JP 62-106671 (JP '671).

Murasko et al, as relied upon for the reasons recited above, teaches the limitations of claim 12, the difference being that Murasko et al does not specifically teach the use of a capacitor in place of its battery. Green et al teaches a light emitting diode (LED), a rechargeable capacitor and a solar cell, wherein the solar cell can charge the capacitor (see col. 2, lines 27-65). JP '671 teaches that a solar cell and capacitor can be laminated (see the Figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a capacitor to store electricity in Murasko et al's device in place of the thin film battery because a solar cell can charge a capacitor, as shown by Green et al, and a solar cell and capacitor can be laminated, as shown by JP '671.

13. Claims 1-12 and 14-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2003-257223, herein referred to as JP '223. None of the instant claims is fully supported by provisional application 60/448,888. Accordingly, the instant claims have a filing date of 02/24/2004. JP '223 has a 102(a) date of 09/12/2003.

JP '223 teaches a laminated electrical device comprising stacked layers including a substrate 13; a solar cell module 30; electric double layer capacitor 20; light emitting diode 10; electrical circuitry 214 for connecting the components (Figure 3); and a protective surface 32 (see Figures 1-3). It is the Examiner's position that the electrical circuitry in JP '223's device inherently prevents electric current drain through the solar

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cell module. JP '223 teaches the limitations of the instant claims other than the difference which is discussed below.

JP '223 does not specifically teach such features as an adhesive and removable covering, or a thermally conductive layer. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided JP '223's device with such features so as to enable JP '223's device to be stuck to a surface and to prevent build-up of heat. As is known in the art, at high temperatures, a solar cell becomes less efficient. Accordingly, there is sufficient motivation to prevent buildup of heat.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 6928775 is hereby made of record.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alan Diamond whose telephone number is 571-272-1338. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:00 p.m. ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on 571-272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.


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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alan Diamond
Primary Examiner
Art Unit 1753

Alan Diamond
February 14, 2006

A handwritten signature in black ink, appearing to read 'Alan Diamond', with a stylized flourish at the end.